



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/693,979	10/28/2003	Koji Nitta	L8612.03105	3981

7590 11/29/2005
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

EXAMINER

LE, DANH C

ART UNIT PAPER NUMBER

2683

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/693,979

Applicant(s)

NITTA ET AL.

Examiner

DANH C. LE

Art. Unit

2683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 2 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☒ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-7 is/are allowed.
- 6) ☐ Claim(s) _____ is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 October 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 06/22/04 and 12/18/03 have been considered by the examiner and made of record in the application file.

Election/Restrictions

2. This application is in condition for allowance except for the presence of claims 8 to 12 non-elected without traverse. Accordingly, claims 8-12 should be cancelled.

Drawings

The drawings are objected to because figure 22 and 23 were missed the words "PRIOR ARTS". In addition, number "105" and "115" in figure 22 should be replaced with number "106" and "116".

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New

Art Unit: 2683

Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Objections

Claim 7 is objected to because of the following informalities:

On line 6 of page 68, number "286" should be blanked.

Appropriate correction is required.

Allowable Subject Matter

The following is an examiner's statement of reasons for allowance:

Claims 1-7 are allowed.

As to claim 1, Hachimura et al (US 2001/0018350) teaches wireless communication apparatus and system.. Mauney et al (US 6,865,372) teaches enhancing wireless handset including direct handset-to-handset communication mode. Beamish et al (US 6,754,483) teaches method and system for generating a secure wireless link between a handset and base station. Evans et al (US 5,890,069) teaches cordless telephone micro-cellular system. Higashiyama et al (US 5,123,043) teaches radio communication method and system. Bustamante et al (US 5,734,639) teaches wireless direct sequence spread spectrum digital cellular telephone system. The teaching of above prior arts either alone or in combination fails to teach direct inter-handset communications transition controller for making control to establish direct inter-handset communications while maintaining communications with said base unit as well as scanning control channels for direct inter-handset communications in the time zones

other than the slots occupied by communications with said base unit; and a basic controller for controlling the components of the distant handset.

As to claim 3, Hachimura et al (US 2001/0018350) teaches wireless communication apparatus and system. Mauney et al (US 6,865,372) teaches enhancing wireless handset including direct handset-to-handset communication mode. Beamish et al (US 6,754,483) teaches method and system for generating a secure wireless link between a handset and base station. Evans et al (US 5,890,069) teaches cordless telephone micro-cellular system. Higashiyama et al (US 5,123,043) teaches radio communication method and system. Bustamante et al (US 5,734,639) teaches wireless direct sequence spread spectrum digital cellular telephone system. The teaching of above prior arts either alone or in combination fails to teach further including a direct inter-handset communications transition controller for making control to establish direct inter-handset communications while maintaining communications With said base unit as well as determines whether to release or maintain communications with said base unit depending on the success or failure of establishment of direct inter-handset communications; and a basic controller for controlling the components of the handset, and said direct inter-handset communication transition controller releases radio communications with said base unit case direct inter-handset communications has been successfully established and maintains communications via said base unit in case direct inter-handset communications cannot be established.

As to claim 5, Hachimura et al (US 2001/0018350) teaches wireless communication apparatus and system. Mauney et al (US 6,865,372) teaches

Art Unit: 2683

enhancing wireless handset including direct handset-to-handset communication mode. Beamish et al (US 6,754,483) teaches method and system for generating a secure wireless link between a handset and base station. Evans et al (US 5,890,069) teaches cordless telephone micro-cellular system. Higashiyama et al (US 5,123,043) teaches radio communication method and system. Bustamante et al (US 5,734,639) teaches wireless direct sequence spread spectrum digital cellular telephone system. The teaching of above prior arts either alone or in combination fails to teach further including a direct inter-handset communications transition controller for making control to establish direct inter-handset communications while maintaining communications with said base unit, determining whether to release or maintain communications with said base unit depending on the success or failure establishment of direct inter-handset communications, requesting said base unit to communicate the channels used by said distant handset, and checking whether the channels transmitted from said distant handset to said base unit can be received in the channels used by said distant handset at a transition to direct inter-handset communications; and a basic controller for controlling the components of the local handset.

As to claim 7, Hachimura et al (US 2001/0018350) teaches wireless communication apparatus and system. Mauney et al (US 6,865,372) teaches enhancing wireless handset including direct handset-to-handset communication mode. Beamish et al (US 6,754,483) teaches method and system for generating a secure wireless link between a handset and base station. Evans et al (US 5,890,069) teaches cordless telephone micro-cellular system. Higashiyama et al (US 5,123,043) teaches

Art Unit: 2683

radio communication method and system. Bustamante et al (US 5,734,639) teaches wireless direct sequence spread spectrum digital cellular telephone system. The teaching of above prior arts either alone or in combination fails to teach further including a direct inter-handset communications transition controller for making control to establish direct inter-handset communications while maintaining communications with said base unit, determining whether to release or maintain communications with said base unit depending on the success or failure of establishment of direct inter-handset communications, requesting said base unit to communicate the channels used by a distant handset and said base unit, and checking whether the channels transmitted from the distance handset to said base unit can be received in said requested channels used; and a basic controller for controlling the components of the handset.

Dependent claims 2, 4, 6 are allowable for the same reason.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

This application is in condition for allowance except for the following formal matters:

Election/Restriction, drawings and claim objection listed above.

Prosecution on the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

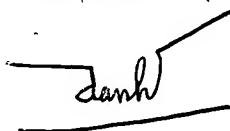
Art Unit: 2683

A shortened statutory period for reply to this action is set to expire **TWO MONTHS** from the mailing date of this letter.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DANH C. LE whose telephone number is 571-272-7868. The examiner can normally be reached on 8:00AM-5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, WILLIAM TROST can be reached on 571-272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "danh", is written over a horizontal line.

November 18, 2005.
DANH CONG LE
PATENT EXAMINER